

# THE PERMITTING PROCESS

With the  
US ARMY CORPS OF  
ENGINEERS

# Farm Pond/Irrigation Exemption Request

## Corps of Engineers Farm Pond/Irrigation Exemption Request

I, \_\_\_\_\_, am the current owner of the following property located at:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I wish to pursue confirmation from the United States Army Corps of Engineers (Corps) that the activity I propose is exempt from Department of the Army (DA) permitting subject to Section 404 of the Clean Water Act, 33CFR, Part 323.4 (3). This regulation states that construction or maintenance of farm or stock ponds or irrigation ditches, or the maintenance (but not construction) of drainage ditches may be exempt from DA permitting requirements. Discharges associated with siphons, pumps, headgates, wingwalls, weirs, diversion structures, and such other facilities as are appurtenant and functionally related to irrigation ditches are included in this exemption.

Furthermore, I understand that in order to qualify for the exemption, a low flow orifice may be required to be installed on the principal spillway pipe in order to maintain downstream flow during the filling of the pond and during dry weather conditions. Normal downstream flow must be maintained at all times. Compliance with this provision shall be determined by the Corps on a case-by-case basis.

In addition, if the land use surrounding the pond changes from agricultural use to a non-agricultural use, including, but not limited to a commercial or residential development, the pond will no longer be exempt and a DA individual permit will be required, if the jurisdictional impacts to waters of the United States exceeds either 0.5 acre of wetlands and/or 300 linear feet of stream channel subject to regulatory authority pursuant to Section 404 of the Clean Water Act. Should the impacts be less than those mentioned above, then the project might qualify for DA nationwide permitting.

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Address (if different from above) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_Home Telephone Number \_\_\_\_\_

Mobile Telephone Number \_\_\_\_\_

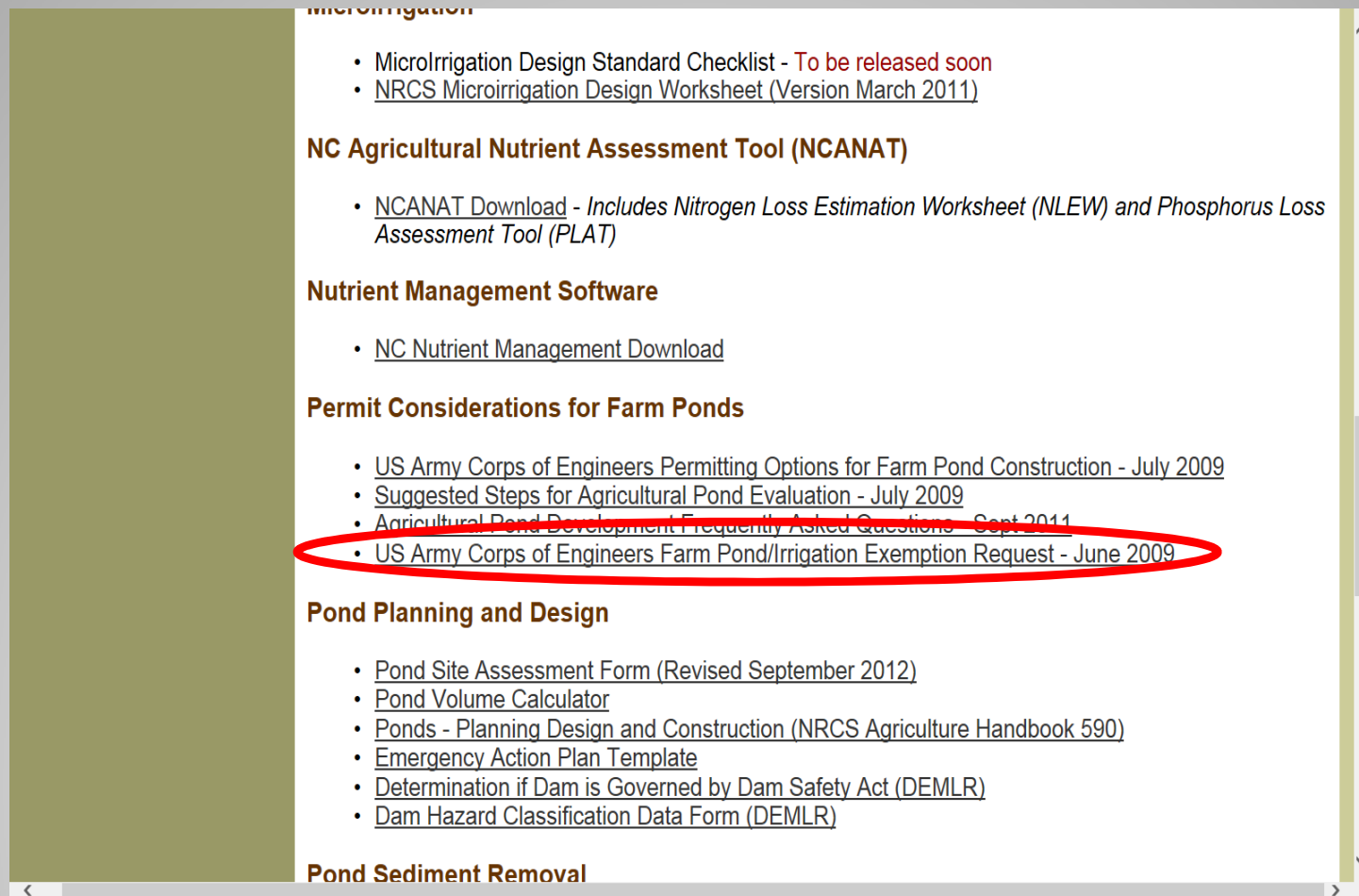
## Summary of the Form

- Must be completed and signed by Land Owner
- The landowner is requesting confirmation from the Corps, for exemption from the 404 permit.
- The owner understands a low flow device may be required by the Corps
- They understand if the land use changes from Ag use they are no longer exempt

## NO LONGER EXEMPT

- if the land use surrounding the pond changes from agricultural use to a non-agricultural use, including, but not limited to a commercial or residential development, the pond will no longer be exempt and an individual permit will be required, if the jurisdictional impacts to waters of the United States exceeds either 0.5 acre of wetlands and/or 300 linear feet of stream channel subject to regulatory authority pursuant to Section 404 of the Clean Water Act. Should the impacts be less than those mentioned above, then the project might qualify for nationwide permitting. Anything exceeding 150-ft of jurisdictional streams and 0.5 acres of wetland will require some type of approval from the Corps.

# Where can I find this form



The screenshot displays a web page with a green sidebar on the left and a main content area on the right. The main content area is organized into several sections, each with a heading and a list of links. The sections are: Microirrigation, NC Agricultural Nutrient Assessment Tool (NCANAT), Nutrient Management Software, Permit Considerations for Farm Ponds, Pond Planning and Design, and Pond Sediment Removal. The link 'Agricultural Pond Development Frequently Asked Questions - Sept 2011' is circled in red.

**Microirrigation**

- [Microirrigation Design Standard Checklist](#) - To be released soon
- [NRCS Microirrigation Design Worksheet](#) (Version March 2011)

**NC Agricultural Nutrient Assessment Tool (NCANAT)**

- [NCANAT Download](#) - Includes Nitrogen Loss Estimation Worksheet (NLEW) and Phosphorus Loss Assessment Tool (PLAT)

**Nutrient Management Software**

- [NC Nutrient Management Download](#)

**Permit Considerations for Farm Ponds**

- [US Army Corps of Engineers Permitting Options for Farm Pond Construction](#) - July 2009
- [Suggested Steps for Agricultural Pond Evaluation](#) - July 2009
- [Agricultural Pond Development Frequently Asked Questions](#) - Sept 2011
- [US Army Corps of Engineers Farm Pond/Irrigation Exemption Request](#) - June 2009

**Pond Planning and Design**

- [Pond Site Assessment Form](#) (Revised September 2012)
- [Pond Volume Calculator](#)
- [Ponds - Planning Design and Construction](#) (NRCS Agriculture Handbook 590)
- [Emergency Action Plan Template](#)
- [Determination if Dam is Governed by Dam Safety Act](#) (DEMLR)
- [Dam Hazard Classification Data Form](#) (DEMLR)

**Pond Sediment Removal**


Division of Soil and Water Web Page  
Under Technical Services/Planning and Design Tools

**Is that all I have to submit?**

**Unfortunately NO**

Preliminary Site Assessment  
for New Ponds  
and  
Water Budget

# US Army Corps of Engineers Field office Contact Information

[HOME](#) [ABOUT](#) [BUSINESS WITH US](#) [MISSIONS](#) [LOCATIONS](#) [CAREERS](#) [MEDIA](#) [LIBRARY](#) [CONTACT](#)

HOME > MISSIONS > REGULATORY PERMIT PROGRAM > CONTACT

Regulatory Permit

Regulatory Home

Public Notices

Jurisdiction


Permits

Major Projects

Mitigation

Contact Us

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete our Customer Satisfaction Survey.



Water is Gooood!!!!

Contact Us: Regulatory Field Offices

**Main Division Office in Wilmington**

Phone: 910-251-4633

From the mountains to the sea:

**Legend**

**Regulatory Field Offices (FO) by county**

Asheville

Wilmington

Raleigh

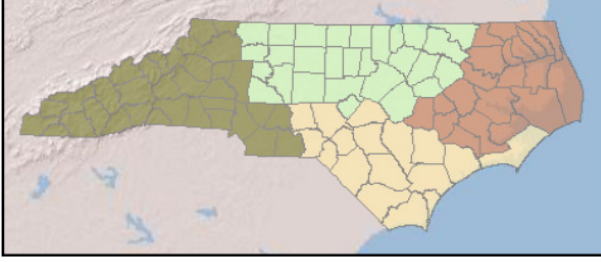
Washington

The Wilmington District regulatory program has four field offices serving the major regions of the state from the mountains to the sea, and a Division office located at the main District office in Wilmington, NC.

Link to staff emails and phone numbers by NC county.

Staff are generally assigned to manage activity within a designated geographic area, usually based on the county. There are also staff who specialize in transportation (NC DOT) projects, coordination with NC Division of Coastal Management (DCM) for coastal (CAMA) activities, and staff that assist with major projects.

Our staff splits their time in the office and in the field, so if you need to reach a staff person for questions,



**ASHEVILLE REGULATORY FIELD OFFICE**

US Army Corps of Engineers  
151 Patton Avenue, Room 208  
Asheville, North Carolina 28801-5006  
General Number: (828) 271-7980  
Fax Number: (828) 281-8120

**RALEIGH REGULATORY FIELD OFFICE**

US Army Corps of Engineers  
3331 Heritage Trade Drive, Suite 105  
Wake Forest, North Carolina 27587  
General Number: (919) 554-4884  
Fax Number: (919) 562-0421

**WASHINGTON REGULATORY FIELD OFFICE**

US Army Corps of Engineers  
2407 West Fifth Street Washington, NC 27889  
General Number: (910) 251-4610  
Fax Number: (252) 975-1399

**WILMINGTON REGULATORY FIELD OFFICE**

US Army Corps of Engineers  
69 Darlington Avenue  
Wilmington, NC 28403  
General Number: 910-251-4633

<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/Contact.aspx>

# US Army Corps of Engineers Staff email and phone number By NC County

The screenshot shows the US Army Corps of Engineers Wilmington District website. The main header includes the Corps logo and navigation links. The left sidebar contains a 'Regulatory Permit Program' menu with links to Regulatory Home, Public Notices, Jurisdiction, Permits, Major Projects, Mitigation, and Contact Us. The main content area is titled 'Corps Regulatory Phone & Email Contacts by NC County' and includes a paragraph explaining the program and a table of county contacts.

**Regulatory Permit Program**

- Regulatory Home
- Public Notices
- Jurisdiction
- Permits
- Major Projects
- Mitigation
- Contact Us

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete our Customer Satisfaction Survey.

*Water is Gooood!!!!*

**Corps Regulatory Phone & Email Contacts by NC County**

The Wilmington District regulatory program manages the Corps of Engineers permit program for waters and wetlands in the state of North Carolina. Staff are typically best reached via email. If you need to contact staff by telephone, please call the field office for the county in which the project is located.

Hover your cursor over the name of the county in which your project is located (in the table below) for the name and phone number of the Corps contact, or click on the link on the name of the NC county to email the Corps regulatory staff contact:

Alamance	Chowan	Gulford	Mitchell	Rutherford
Alexander	Clay	Halifax	Montgomery	Sampson
Alleghany	Cleveland	Harnett	Moore	Scotland
Anson	Columbus	Haywood	Nash	Stanly
Ashe	Craven	Henderson	New Hanover	Stokes
Avery	Cumberland	Hertford	Northampton	Surry
Beaufort	Currituck	Hoke	Onslow	Swain
Bertie	Dare	Hyde	Orange	Transylvania
Bladen	Davidson	Iredell	Pamlico	Tyrrell
Brunswick	Davie	Jackson	Pasquotank	Union
Buncombe	Duplin	Johnston	Pender	Vance
Burke	Durham	Jones	Perquimans	Wake
Cabarrus	Edgecombe	Lee	Person	Warren
Caldwell	Forsyth	Lenoir	Pitt	Washington
Camden	Franklin	Lincoln	Polk	Watauga

<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/Contact/CountyLocator.aspx>



U.S. ARMY CORPS OF ENGINEERS  
WILMINGTON DISTRICT

Action ID: SAW-2013-00379

County: Richmond

NO DEPARTMENT OF THE ARMY AUTHORIZATION REQUIRED

Property Owner: David Jarod Gainey

Address: 189 B B Covington Road

Ellerbe, NC 28338

Phone No. (910) 995-5169

Size and Location of Property (waterbody, road name/number, town, etc.): The site is located at 189 B B Covington Road in Ellerbe, Richmond County, North Carolina.

Description of Activity: To construct a farm pond for additional proposed chicken houses.

Your work as proposed does not require Department of the Army authorization for the following reason(s):

There are no jurisdictional waters or wetlands within the boundaries of the property.

The proposed project does not impact jurisdictional waters or wetlands.

☒ The proposed project is exempt from Department of the Army regulation.

Specify: Construction of pond for additional proposed chicken houses qualifies for the farm pond exemption.

This Department of the Army determination does not relieve the permittee of the responsibility to obtain any other required Federal, State, or local approvals/permits. The permittee may need to contact appropriate State and local agencies before beginning work.

For any activity within the twenty coastal counties, before beginning work, you must contact the N.C. Division of Coastal Management in Wilmington, North Carolina at (910) 796-7215 to discuss any required State authorization.

Any changes in the above described work must be coordinated with the Corps of Engineers prior to commencement. If you have any questions regarding the Corps of Engineers regulatory program, please contact Christy Wicker at telephone number (910) 251-4637.

Regulatory Project Manager Signature CWicker

Date: 2/5/2014

Copy furnish: Cindy Safrin, NC Division of Soil and Water, Mooresville Regional Office, 610 E. Center Ave, Suite 301, Mooresville, NC 28115

You will get a letter from the  
Corps.

- 1: If my proposed pond qualifies for exemption from the Corps, is it necessary to apply for a 401 from Water Quality?

- Answer #1:

- No, since no 404 permit is required neither is a 401 required

- 2: Do NRCS or districts do stream determinations?

- Answer #2:
  - No!!! NRCS does wetland determination for **Food Security Act Purposes**. The Corps of Engineers and DWQ do stream and wetland determination for Clean Water Act and buffer rule purposes

- 3: Can I qualify for an exemption to construct a pond for aquaculture production?

- Answer # 3

- No, due to a March 15, 2010, EPA letter to the COE Wilmington District Engineer
- NOTE: It is not eligible for AgWRAP cost share either if it is for production purposes.

- 4: Do I qualify for exemption to water my horses, or ornamental nursery stock?



- Answer #4

- No, the pond must be needed for the production of food or fiber to qualify for an exemption from the Corps. Neither horses nor nursery crops meet this definition.
- They can apply for a permit from the Corps for the activity.